

AMENDMENT AND REQUEST FOR RECONSIDERATION...  
U.S. APPLN. NO. 10/571,198

**REMARKS**

Applicant has rewritten **allowable claim 24** (24/15) in independent form, whereby Applicant respectfully requests Examiner Kayes now to **allow claim 24 and its dependent claims 25 and 27.**

Examiner Kayes issues the following three statutory prior art rejections:

- 1) Claims 15-19, 23 and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by (lacking novelty over) Koch '984;
- 2) Claims 20 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Koch '984 in view of Megner '569; and
- 3) Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Koch '984 in view of Megner '569 and further in view of Baumgartner '485.

These **traversals** are based primarily on the Examiner's (mis) interpretation of Koch's disclosure, in particular the Examiner's interpretation of Applicant's claimed "inclined" as being readable on the **perpendicular** orientation shown in Koch. More specifically, the independent parent claim 15 recites that the antenna rests on an outer face of the bezel element **in an inclined position** with respect to the plane in which the display device is located.

According to Webster's Third New International Dictionary, the word "inclined" means: "**having a slope...** from the vertical"; whereas the expression "inclined plane" means: "*a plane surface **that makes an oblique angle** with the plane of the horizon*" (the relevant pages of Webster's Dictionary are enclosed).

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On the **contrary**, in Koch, the antenna **stands upright**, i.e., **perpendicular** to the plane in which the display device 4 is located.

As already explained in the Amendment filed February 25, 2008, because of the fact that Applicant's antenna is in an "inclined" position with respect to the plane in which the display device is located, the antenna is oriented upwards in order to optimize reception of the GPS signals when the user turns his wrist to read data on the display device.

Rejection 1) requires that Koch disclose, either expressly or inherently, each limitation of each of claims 15, 19, 23 and 28, or in other words, that each of claims 15-19, 23 and 28 be **readable** on Koch's disclosure. Applicant respectfully submits that, as explained above, clearly such is **not** the case here, notwithstanding the Examiner's assertion to the contrary as presented in the last five lines on page 3 of the Office Action.

Even though Applicant has shown above that at least the modifier "inclined" prevents readability of parent claim 15 on Koch, if Examiner Kayes feels that it is absolutely necessary to do so, Applicant would insert the word "non-perpendicular" after the word "inclined", in the penultimate line of parent claim 15. If the Examiner feels that such an amendment would be desirable/necessary to avoid **readability**, Applicant respectfully requests Examiner Kayes to call the undersigned attorney to discuss the matter.

Thus, since claims 15-19, 23 and 28 are **not readable** on Koch, Applicant respectfully requests the Examiner carefully to reconsider and to withdraw rejection 1) above and to allow claims 15-19, 23 and 28.

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The same above-described deficiency in Koch's disclosure disqualifies Koch as a primary reference in rejections 2) and 3) above. That is, if for some reason a person of ordinary skill in the art were to modify Koch by using the materials of Megner as proposed by the Examiner, there would not be produced the subject matter of the dependent claims 20 (20/15) and 22 (22/20/15), or subject matter which would have rendered these claims obvious.

Therefore, Applicant also respectfully requests Examiner Kayes carefully to reconsider and to withdraw the rejection 2) above.

The same facts and arguments apply to claim 21 and rejection 3) above.

More specifically, even if for some reason a person were to modify the Koch/Megner combination "to connect the electronic module to the metal housing as taught by Baumgartner" as proposed by the Examiner, there would not be produced the subject matter of dependent claim 21 (21/20/15) or subject matter which would have rendered claim 21 obvious.

Therefore, Applicant also respectfully requests the Examiner carefully to reconsider and to withdraw rejection 3) above.

**REQUEST FOR INTERVIEW**

In summary, then, and for the reasons advanced above, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(b) and 103(a), and to find the application to be in condition for allowance with all of claims 15-25, 27 and 28; however, if for any reason the Examiner feels that the application is not now in condition for allowance, he is respectfully requested to **call the undersigned attorney** to discuss any

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unresolved issues and to expedite the disposition of the application. In particular, the undersigned attorney would like to have the opportunity to discuss with Examiner Kayes the question of whether the claim 15 words “in an inclined position with respect to the plane...” requires amendment to avoid (in the Examiner’s opinion) readability of claim 15 on Koch’s disclosure.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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Third  
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Dictionary  
OF THE ENGLISH LANGUAGE  
UNABRIDGED

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**elements or weather** : physically severe : HARSH, ROUGH, STORMY ( $\sim$  weather); also : marked by such weather *(an ~ day)* b : severe in temper or action : UNMERCIFUL, RIGOROUS *(the harsh sentence of an ~ judge)* — **in-clem-ent-ness** n — **in-clin-able** \án'klíñ'əbl adj [ME, fr. MF *enclinable*, *inclinable* fr. *cncliner*, *inclinier* to incline + -able — more at INCLINE] 1 a : having an inclination toward something : DISPOSED *(had formerly been very ~ to dissipation)* b : disposed to favor or think well of : FAVORABLE ( $\sim$  to our pleas) 2 : having a tendency : tending to or toward *(somewhat ~ to corpulence)* a heavy soil but ~ to take and dry out 3 : capable of being inclined *(an ~ punch press)*

**in-clin-a-tion** \án'klíñ'shəñ, -shəñ' n -s [ME *inclination*, fr. MF *inclination*, fr. L *inclination*, *inclinatio*, fr. *inclinatus* (past part. of *inclinare*) + -io-; -io-] 1 : an act or the action of bending or inclining: as a : a bending forward of the head or body (as in respect, greeting, or acknowledgment) : BOW, NOD *(acknowledged his greeting with a slight ~)* b : a tilting of something 2 a : oblique disposition : NATURE, CHARACTER b : oblique: a : a turning of the mind in a particular direction: ATTENTION c : a particular disposition of mind or character : PROPENSITY, BENT *(a man of fixed ~s)*; usu. : favorable disposition esp. toward a particular thing, activity, or end : LIKING, DESIRE *(a strong ~ toward study)* *(an ~ to make the best of things)* 3 a : a direction or trend out of the true vertical or horizontal *(the ~ of a column)* *(the roadbed had considerable ~)* b : amount of deviation from the vertical or horizontal : degree or rate of slope or slant : GRADE *(an ~ of 20 degrees)* c : an inclined surface : SLOPE, INCLINE *(worked their way down the steep ~)* d (1) : the angle determined by two lines or planes *(the ~ of two rays of light)* (2) *in plane analytic geometry* : the angle made by a line with the x-axis measured counterclockwise from the positive direction of that axis 4 a : a tendency to a particular aspect, state, character, or action *(men judge by the complexion of the sky the state and ~ of the day —Shak.)* *(some ~ to snow)* *(the clutch had an ~ to slip)* b : something to which one is inclined : an object of habit or favor : LIKING 5 : DIP 3b 6 : ENCLISUS — **in-clin-a-tion-al** \án'klíñ'shəñ', -shəñ' adj

**inclination of an orbit** : the angle between the plane of the orbit and the plane of the ecliptic

**in-clin-a-tor** \án'klíñ'tōr adj [L *inclinatus* + E -or] : tending to incline or capable of inclining *(the ~ power of a dowsing rod)*

**in-cline** \án'klíñ v b -ED/-ING-s [ME *incline*, *encilen*, fr. MF *encliner*, *inclinier*, fr. L *inclinare*, fr. *in-* + *clinare* to bend — more at LEAN] vi 1 : to bend the head or body forward : BOW *(Inclining toward the speaker to hear more clearly)* 2 : to lean, tend, or become drawn esp. toward an opinion or course of conduct : favor an opinion, a course of conduct, or a person *(~ as we grow older more and more to traditional ways)* *(his heart inclined to the child)* 3 : to deviate from a line, direction, or course : LEAN *(converging lines ~ toward each other), specific* : to deviate from the vertical or horizontal *(the shaft ~s aim ~ 30 degrees)* *(snow-laden birches inclining over the road)* 4 : of a military formation : to march or move obliquely to the front so as to gain ground on the flank as well as forward *~t* 1 : to cause to stoop or bow : BEND *(inclining her head in greeting)* 2 : to orient in the direction of : IMPART a trend toward, liking for, or interest in : influence in favor of something (as a course, interest, view) *(increasing knowledge ~s one to further study)* *(tried to ~ him to help)* 3 : to cause to deviate physically esp. from the horizontal or vertical : arrange in a slanting position : give a bend, slope, or slant to *(rays of light are inclined in passing through a medium of high refractive index)* *(Inclining the rake against the fence)* 4 : to heel (a ship) experimentally to determine stability or center of gravity — **incline one's ear** : to listen with favor : hear and approve.

**in-cline** \án'klíñ, án'klíñ' n -s : an ascending or descending inclined plane : GRADE, GRADIENT, SLOPE: as a : an inclined mine shaft or inclined portion of an otherwise vertical shaft — compare ADIT b (1) : a railway track and supporting structure on a grade extending from an adjustable apron or bridge at a transfer slip (2) : a railway built on a slope on which cars are raised and lowered by means of a mechanically operated cable

**in-clined** \án'klíñ'd or esp *in sense 2* \án'klíñ' adj [ME *enclined*, *inclined*, fr. past part. of *enclinen*, *inclinien*] 1 : having inclination, disposition, or tendency : well disposed 2 a : having a leaning or slope usu. from the vertical or horizontal *(an ~ roadway)* *(an ~ stem)* b : making an angle with a line or plane

**inclined plane** n 1 : a plane surface that makes an oblique angle with the plane of the horizon ; a sloping plane 2 : an inclined track on which trains or boats are raised or lowered from one level to another

**incline man** n : DILLYMAN

**in-clin'er** \án'klíñ'ər, 'án'klíñ' n -s : one that inclines

**in-clin-ing** \án'klíñ'ing, 'án'klíñ' n -s [ME *enclining*, *inclinig*, fr. gerund of *enclinen*, *inclinien*] 1 : INCLINATION, DISPOSITION 2 : archaic : those who incline toward (as a person or a cause) : PARTY, FOLLOWING

**in-clin-ing** \án'klíñ'ing, 'án'klíñ', -neñ' adj [fr. pres. part. of *incline*] : LEANING, BENT: as a of a plant part : bent out of a perpendicular position *(an ~ stem)* b : ENCLITIC 1

**in-clino-met-er** \án'klíñ'méñtər, -klíñ'ñmēñtər, -klíñ'ñmēñt' n [*incline* + -o- + -meter] 1 : an apparatus for determining the direction of the earth's magnetic field with reference to the plane of the horizon — see DIP, CIRCLE, EARTH INDUCTOR 2 : a machinist's clinometer 3 a : an instrument for indicating the inclination to the horizontal of an esp. longitudinal axis of a ship or an airplane; broadly : any of various instruments for indicating inclination (as of the base of an oil well) b : an instrument giving the attitude of an airplane with reference to true gravity — called also *absolute clinometer*

**in-clip** \án'plip\ vt [*in* + *clip*] archaic : CLASP, ENCLOSURE

**in-clot** n abbr inclusion

**in-clot-ed** obs var of ENCLISTER

**in-close** var of ENCLOSE

**in-clud-able** or **in-clud-ible** \án'klíñ'dəbl adj : capable of being included : proper or suitable for inclusion

**in-clude** \án'klíñd\ vt -ED/-ING-s [ME *includen*, *encluden*, fr. L *includere*, fr. *in-* + *cludere* (fr. *claudere* to close) — more at CLOSE] 1 : to shut up : CONFINE, ENCLOSE, BOUND *(the nutshell ~ the kernel)* *(that divine spark included in every human being)* 2 a : to place, list, or rate as a part or component of a whole or of a larger group, class, or aggregate *(included a sum for tips in his estimate of expenses)* b : to take in, enfold, or comprise as a discrete or subordinate part or item of a larger aggregate, group, or principle *(in search of a formula which should cover everything ... even if it included more than I wished —T.S.Eliot)* 3 : obs : to bring to an end : TERMINATE

SYL SUBSUME, EMBRACE, COMPREHEND, IMPLY, INVOLVE, IMPLICATE; INCLUDE and SUBSUME agree in indicating the enclosure or containment by a larger class or whole of a smaller class or specific item or part. INCLUDE, the more common term may call more attention to the single item or smaller class by stressing the fact of its existence or the fact of its not having been overlooked (it would not be argued today that the power to regulate does not include the power to prohibit —O.W. Holmes 1935) *(numerous pretty things, or things supposed to be pretty, ... including such absurdities as paper knives with fretwork handles —Herbert Spencer)* SUBSUME, orig. a technical term in logic and still an erudit term, may call more

than universal coordination : clumsy and lumbering —gait) e : occurring in mixed series or differing from patterns of language — used in cryptology of a alphabet — **in-coher-ent** \án'klíñ'ənt adj [in- + coh-er-ent] 1 : lacking physical coherence

**in-coher-ence** \án'klíñ'əns\ n [in- + coh-er-ent] : INCAPACITATE, INCOMPATIBLE, INCOHERENT, INCOHERENCE 2 : lack of orderly effective interaction between groups [difficulties resulting from the ~ of the desire to communicate] 3 : something that is incoherent

**in-coher-ent** \án'klíñ'ənt adj [in- + coh-er-ent] 1 : n : lacking integration 2 : tending to disrupt (certain forces)

**in-coincidence** \án'klíñ'əns\ n [in- + coincidence] : conform or agree

**in-coincid-ent** \án'klíñ'ənt adj [in- + coincident] : not in-combustible \án'klíñ'əbl adj or n [ME, prob. fr. *in-* + *combustible* — more at COMBUSTIBLE] : NONCOMBUSTIBLE

**in-come** \án'kōm, chīfliy attrib also in-k- sometim n -often attrib [ME, entry, arrival, fr. in + c action of coming (after come in to come in) —more COME, COME] 1 : archaic : an act or instance of COMING, ADVENT, INFUX 2 : dial Brit a : a plac b : INCOME 3 : something that comes in as an addition usu. by chance 4 a : gain or return, includes gains from transactions in capital asset cludes unrealized advances in value : commercial receipts of any kind except receipts or returns — see EARNED INCOME, GROSS INCOME, NET INCOME, INCOME; compare PROFIT, WAGE b : the value of services received by an individual in a given period — compare WEALTH

**in-come** \án'kōm\ n -s [*in* + come (as in oncome)] 1 : TUMOR, ABSCESS

**in-come account** n 1 : an account in which items or revenue are recorded 2 : an income statement: statement of a business showing the details of costs, expenses, losses, and profits for a given period under appropriate headings — called also profit statement

**in-come basis** n : a basis of reckoning income (as from rents, profits) according to the percentage that it or revenue bears to the actual cost with no allowance made for the fact that payment at maturity is to a bond yielding 3-percent interest on its par bought at 60 is on an income basis of 5 percent)

**in-come bond** n : a bond that is entitled to receive only if earned and declared by the board of directors in accordance with its indenture provisions

**in-come-less** \án'klíñ'əls\ adj : having no income

**in-comer** \án'kōmər\ n : one that comes in : chiefly Brit : one that comes from another place : a STRANGER; esp : a new tenant b : a game bird shooting target that comes toward the shooter

**in-come splitting** n : an assigning of income for taxation in equal shares to two or more persons (a and wife) irrespective of which one actually receives income

**in-come tax** n 1 : a tax on the net income of an income concern (as a corporation) 2 a : a tax income often levied as a payroll tax by a city b : gross operating revenue (as of a public utility)

**in-com-ing** \án'kōm'ng, \án'kōm'ng, \án'kōm'ng n [ME, fr. *in-* (after *com-en* *in* to come in)] 1 : the act of coming RIVAL (all these ~s and outgoings disturbed routine) 2 : money or other gains received : INCOME — usu. used in pl.

**in-coming** \án'kōm'ng adj [*in* + coming (after come in, v.)] in : as : taking or coming to occupy a place, position formerly held by another (his ~ tenant) (see *Congress will do*) b : arriving at a usual, normal destination *(~ waves)* : ACCRUING c : STARTING, BEGINNING, ENTERING *(high hopes year)* (all ~ freshmen)

**in-commensurabil-ity** \án'klíñ'əbəl'ētē, \án'klíñ'əbəl'ētē adj [prob. fr. MF *in*-surabilite, fr. ML *incommensurabilitate*, *incommensurabilis* + L *-itat-*, *-itas* -ity] : of or state of being incommensurable (a genuine ~ b individual and the universal —M.R.Cohen)

**in-commensurable** \án'klíñ'əbərl adj [prob. fr. MF, *incommensurabilis*, fr. L *in-* + LL *commensura* measurable — more at COMMENSURABLE] : not commensurable — having no common measure (quantities are ~ third quantity can be found that is an aliquot part broadly : lacking a common basis of comparison to a quality (as value, size, excellence) normally comparison — in-commensurable

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